

# ZONING RECLASSIFICATION APPLICATION

## Harford County Board of Appeals

Bel Air, Maryland 21014

*Shaded Area For Office Use Only*

Case No. 074

Date Filed 1/10/98

Hearing Date \_\_\_\_\_

Pre-Conf. \_\_\_\_\_

Receipt \_\_\_\_\_

Fee 1,300.00

### Note

1. It is required that the applicant have a pre-filing conference with the Department of Planning and Zoning to determine the necessary additional information that will be required.
2. The burden of proof in any rezoning case shall be upon the Petitioner.
3. Any application in a zoning case and any amendment thereto shall contain specific allegations setting forth the basis for granting of the request.
4. Petition must contain names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.
5. Application will be reviewed for completeness within ten (10) working days of submittal. Applicant will be notified by mail of completeness of application.

### Petitioner

Name Robert S. Wagner & Hazel B. Wagner Phone Number call attorney

Address 1920 E. Churchville Road Bel Air MD 21015  
*Street Number Street State Zip Code*

Property Owner Same as above Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
*Street Number Street State Zip Code*

Contract Purchaser N/A Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
*Street Number Street State Zip Code*

Attorney/Representative Frank F. Hertsch/John J. Gessner Phone Number (410) 893-7500

Address 11 South Main Street, P.O. Box 1776 Bel Air MD 21014  
*Street Number Street State Zip Code*

*Hearing: 2/9/98*

## Land Description

Address and Location of Property (with nearest intersecting road) 1900 E. Churchville Road

Subdivision \_\_\_\_\_ Lot Number \_\_\_\_\_ Acreage/Lot Size \_\_\_\_\_ Election District RI - 73

Existing Zoning AG Proposed Zoning AG, R1 + RR Acreage to be Rezoned 85 acres: RR - 12

Tax Map No. 41 Grd No. 3F Parcel 124 Deed Reference 1177/839

Critical Area Designation N/A Land Use Plan Designation Low Intensity

Present Use and ALL improvements: Farm

Proposed Use (If for subdivision development, proposed number of lots, type of dwellings, and type of development.

Example: Conventional, Conventional with Open Space, Planned Residential Development) Single Family  
Detached Residential Dwellings

Is the property designated a historic site, or does the property contain any designated or registered historic structures?

N/A If yes, describe: \_\_\_\_\_

Estimated Time Requested to Present Case: 1 hour

## Required Information To Be Attached

*(Submit three (3) copies of each):*

(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.

(b) A statement of the grounds for the application including:

(1) A statement as to whether there is an allegation of mistake as to the existing zoning, and if so, the nature of the mistake and facts relied upon to support this allegation.

(2) A statement as to whether there is an

allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change.

(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.

(d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:

(1) Location of site.

(2) Proposed nature and distribution of land uses, not including engineering drawings.

(3) Neighborhood (as defined by the Applicant).

ATTACHMENT A  
FOR ZONING RECLASSIFICATION APPLICATION  
ROBERT S. WAGNER AND HAZEL B. WAGNER, PETITIONERS

The Zoning Reclassification Application, in Part IV, requests the following information. Petitioners' submission is as follows:

"(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation."

Petitioners: See attachment A-1, List of Adjoining Property Owners.

"(b) A statement of the grounds for the application including:

(1) A statement as to whether there is an allegation of mistake as to the existing zoning and, if so, the nature of the mistake and facts relied upon to support this allegation."

Petitioners: Petitioners contends that a mistake in the legal sense was made when the subject property was zoned AG, Agricultural, during the last Comprehensive Rezoning in 1989. The County Council erroneously assumed that the subject property should be zoned AG. As a result of development in the area, changes in the Master Plan, Master Water and Sewer Plan, improvements to Maryland Route 22 and other factors which have occurred since the last Comprehensive Rezoning, the property's AG zoning classification is no longer appropriate. The subject property should be rezoned R1, RR and AG.

"(2) A statement as to whether there is an allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change."

Petitioners: Petitioners makes such an allegation. As a result of development in the area, changes in the Master Plan, Master Water and Sewer Plan, improvements to Maryland Route 22 and other factors which have occurred since the last Comprehensive Rezoning in 1989, the neighborhood has substantially changed.

"(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion."

Petitioners: The proposed reclassification is in conformance with the Master Plan.

"(d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:

- (1) Location of site
- (2) Proposed nature and distribution of land uses, not including engineering drawings
- (3) Neighborhood (as defined by the Applicant).
- (4) All surrounding zoning.
- (5) Proposed public or private capital improvements.

Petitioners: See attachment A-2, entitled "Concept Plan to Accompany Rezoning Petition Land of Wagner Property" dated December 1997.

5 : 12/10/97  
2 : 7032.DOC  
201802

"(e) Previous individual rezonings and recommendations since the effective date of the Comprehensive Rezoning within the neighborhood of the petitioned area, their case numbers, dates, and decisions."

Petitioners: N/A

"(f) Environmental features map indicating woods, fields, streams, flood plains, non-tidal wetlands, etc."

Petitioners: See Attachment A-3, entitled "Environmental Features Map Land of Wagner Property" dated December 1997.

"(g) Property deed, and a boundary survey prepared and sealed by a registered surveyor, including dimension of area requested to be rezoned if only a portion of the property."

Petitioners: See Attachments A-4 (Site Plan); A-5 (Deed) and A-6 (Survey Plat)

"(h) Private restrictions or covenants, if any, applicable to subject parcel."

Petitioners: None

"(i) Any agreements with individuals or associations in the neighborhood related to the proposed zoning shall be submitted."

Petitioners: None.

"(j) Availability of public water and sewer.

Petitioners: Public water and sewer is available to the subject property.